

IN THE UNITED STATES DISTRICT COURT
U.S. DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA, 2018 SEP 20 PM 1 34

No. 18-CR-144-J

Plaintiff,

STEPHAN HARRIS, CLERK
CHEYENNE

v.

JAMES MICHAEL FREY,

Defendant.

Ct 1: 18 U.S.C. § 2252A(a)(5)
(Access With Intent to View
Child Pornography)

Ct 2: 18 U.S.C. §§ 2252A(a)(2)(A) and
(b)(1)
(Attempted Receipt of Child
Pornography)

FORFEITURE NOTICE

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

From on or about November 17, 2013, through and including on or about July 26, 2018, in the District of Wyoming, the Defendant, **JAMES MICHAEL FREY**, did knowingly access with intent to view material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involve prepubescent minors, and which were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, namely, the Defendant possessed a Western Digital 1TB Hard Drive, a product of Malaysia, bearing serial number WMC1S5116691, which the Defendant used to access digital images depicting prepubescent minors engaged in sexually explicit conduct.

In violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2).

COUNT TWO

From on or about March 20, 2018, through and including on or about July 26, 2018, in the District of Wyoming, the Defendant, **JAMES MICHAEL FREY**, did knowingly attempt to receive child pornography, as defined by Title 18, United States Code, Section 2256(8)(A), that had been mailed, shipped, and transported in and affecting interstate commerce by any means, including by computer, namely, that the Defendant, via the Internet, attempted to receive an image of a child engaged in sexually explicit conduct.

In violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1).

FORFEITURE NOTICE

The allegations contained in this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253.

As authorized by 18 U.S.C. § 2253 upon conviction of an offense in violation of 18 U.S.C. §§ 2251 or 2252A, the Defendant, **JAMES MICHAEL FREY**, shall forfeit to the United States of America:

1. Any visual depiction described in 18 U.S.C. § 2252A or any matter which contains any such visual depiction, which was possessed, produced, transported, mailed, shipped or received in violation of 18 U.S.C., Chapter 110;
2. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and
3. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

The property to be forfeited includes: a Dell Inspiron Desktop Computer.

If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and 28 U.S.C. § 2461(c).

A TRUE BILL:

Ink Signature on File in Clerk's Office
FOREPERSON



MARK A. KLAASSEN
United States Attorney

PENALTY SUMMARY

DEFENDANT NAME: **JAMES MICHAEL FREY**

DATE: September 17, 2018

INTERPRETER NEEDED: No

VICTIM(S): Yes

OFFENSE/PENALTIES:

Ct: 1 **18 U.S.C. § 2252A(a)(5)**
(Access With Intent to View Child Pornography)

0-20 Years Imprisonment
Up To \$250,000 Fine
5 Years To Life Supervised Release
\$100 Special Assessment
\$5,000 Special Assessment Pursuant To The Victims Of Sex Trafficking Act Of 2015

Ct: 2 **18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1)**
(Receipt of Child Pornography)

5-20 Years Imprisonment
Up To \$250,000 Fine
5 Years To Life Supervised Release
\$100 Special Assessment
\$5,000 Special Assessment Pursuant To The Victims Of Sex Trafficking Act Of 2015

TOTALS: 5-40 Years Imprisonment
Up To \$5000,000 Fine
5 Years To Life Supervised Release
\$200 Special Assessment
\$5,000 Special Assessment Pursuant To The Victims Of Sex Trafficking Act Of 2015

AGENT: Mark Timmons, DCI/ICAC

AUSA: Timothy J. Forwood, Assistant United States Attorney

ESTIMATED TIME OF TRIAL: 1 to 5 days

**WILL THE GOVERNMENT
SEEK DETENTION IN THIS
CASE:** Yes

**ARE THERE DETAINERS
FROM OTHER
JURISDICTIONS:** No